

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN R. KABLER, JR.,	:	Civil No. 1:19-cv-395
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
UNITED FOOD AND	:	
COMMERCIAL WORKERS UNION,	:	
LOCAL 1776 KEYSTONE STATE, et	:	
al.,	:	
	:	
Defendants.	:	Judge Sylvia H. Rambo

ORDER

Before the court are cross-motions for summary judgment. The first is the motion for summary judgment filed by Defendants United Food and Commercial Workers Union, Local 1776 Keystone State (“the Union”), Wendell W. Young, IV (“Young”), Michele L. Kessler (“Kessler”), Peg Rhodes (“Rhodes”), and Pennsylvania Wine and Spirits Counsel (“PWSC”) (collectively, the “Union Defendants”). (Doc. 35.)

The second is the motion for summary judgment on Count 2 filed by Plaintiff John R. Kabler Jr. (“Plaintiff”). (Doc. 39.)

Magistrate Judge Carlson has issued a report and recommendation (“R&R”) on the motions (Doc. 70), and both Plaintiff and the Union Defendants have filed objections to it.

For the reasons outlined in the accompanying memorandum, the court largely adopts the R&R in part and deviates from it in part. The Union Defendants' motion is hereby **GRANTED** on the following bases:

(1) Plaintiff's requests for declaratory judgment against all Defendants are hereby **DISMISSED, WITH PREJUDICE, AS MOOT.**

(2) Plaintiff's requests for any damages post-dating the Union removing him as a member and ceasing to collect his dues are hereby **DISMISSED, WITH PREJUDICE, AS MOOT.**

(3) Plaintiff's Count 1 is hereby **DISMISSED IN PART, WITH PREJUDICE**, insofar as Plaintiff is barred from pursuing any claim constitutionally challenging the Union as an exclusive representative.

(4) Plaintiff's Count 4 is hereby **DISMISSED, WITH PREJUDICE.**

Both motions are hereby **DENIED** on all other bases, **WITHOUT PREJUDICE** to refile any meritorious arguments at the appropriate time. The court will also **GRANT** Plaintiff twenty-one days leave to replead. The parties are also **ORDERED** to cease briefing summary judgment or filing any new dispositive motions until either Plaintiff repleads or twenty-one days pass without his doing so.

/s/ Sylvia H. Rambo
SYLVIA H. RAMBO
UNITED STATES DISTRICT JUDGE

Dated: March 31, 2020